

In Re: Roger J. & Estela R. Singler)
 Ward 38, Block 95, Parcel 7)
 Residential Property) Shelby County
 Tax year 2006)

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Tenn. Code Ann. section 67-5-601(a) provides (in relevant part) that “[t]he value of all property shall be ascertained from the evidence of its sound, intrinsic and immediate value, for purposes of sale between a willing seller and a willing buyer without consideration of speculative values....”

Since the appellant seeks to change the present valuation of the subject property, he has the burden of proof in this administrative proceeding. State Board Rule 0600-1-.11(1).

Except in the event of additions or improvements, the value ultimately determined in a year of reappraisal is generally carried forward to the next tax year. In this case, however, the county board clearly indicated that its decision for tax year 2005 would have no carryover effect. Especially under such circumstances, the county board’s valuation of the subject property in the preceding tax year is not conclusive or even very relevant.

In the opinion of the administrative judge, the evidence of record does not justify reduction of the current appraisal.

By building the subject house himself, Mr. Singler admittedly achieved substantial savings in labor and material costs. For real estate appraisal purposes, estimates of construction cost must be typical of the local market and include all direct and indirect costs (such as a contractor’s overhead and profit). See International Association of Assessing Officers, Property Appraisal and Assessment Administration (1990), pp. 207-208.

The one sale cited by the appellant must be excluded from consideration because it occurred after the January 1, 2006 assessment date for the tax year under appeal. See Acme Boot Company & Ashland City Industrial Corporation (Cheatham County, Tax Year 1989, Final Decision and Order, August 7, 1990). Moreover, since that transaction involved a property with significantly different physical characteristics, the unadjusted sale price alone is of little significance.

Order

It is, therefore, ORDERED that the following values be adopted for tax year 2006:

LAND VALUE	IMPROVEMENT VALUE	TOTAL VALUE	ASSESSMENT
\$27,000	\$171,800	\$198,800	\$49,700

Pursuant to the Uniform Administrative Procedures Act, Tenn. Code Ann. §§ 4-5-301—325, Tenn. Code Ann. § 67-5-1501, and the Rules of Contested Case Procedure of the State Board of Equalization, the parties are advised of the following remedies:

1. A party may appeal this decision and order to the Assessment Appeals Commission pursuant to Tenn. Code Ann. § 67-5-1501 and Rule 0600-1-.12 of the Contested Case Procedures of the State Board of Equalization. Tennessee Code Annotated § 67-5-1501(c) provides that an appeal **“must be filed within thirty (30) days from the date the initial decision is sent.”** Rule 0600-1-.12 of

the Contested Case Procedures of the State Board of Equalization provides that the appeal be filed with the Executive Secretary of the State Board and that the appeal **"identify the allegedly erroneous finding(s) of fact and/or conclusion(s) of law in the initial order"**; or

2. A party may petition for reconsideration of this decision and order pursuant to Tenn. Code Ann. § 4-5-317 within fifteen (15) days of the entry of the order. The petition for reconsideration must state the specific grounds upon which relief is requested. The filing of a petition for reconsideration is not a prerequisite for seeking administrative or judicial review.

This order does not become final until an official certificate is issued by the Assessment Appeals Commission. Official certificates are normally issued seventy-five (75) days after the entry of the initial decision and order if no party has appealed.

ENTERED this 22nd day of January, 2007.



PETE LOESCH
ADMINISTRATIVE JUDGE
TENNESSEE DEPARTMENT OF STATE
ADMINISTRATIVE PROCEDURES DIVISION

cc: Roger J. & Estela R. Singler
Tameaka Stanton-Riley, Mgr. Appeals Department, Shelby County Assessor's Office

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